



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 30, 1998

Mr. Alan P. Petrov
Johnson, Radcliffe & Petrov, L.L.P.
Paragon Center One
450 Gears Road, Suite 700
Houston, Texas 77067-4513

OR98-0302

Dear Mr. Petrov:

You ask this office to reconsider our ruling in Open Records Letter No. 97-2600 (1997). Your request for reconsideration was assigned ID# 113131.

The City of Bellaire (the "city"), which you represent, received a request for documents concerning the settlement of a specific lawsuit. In Open Records Letter No. 97-2600 (1997), this office concluded that the city could not withhold the settlement agreement under section 552.101 in conjunction with section 154.073 of the Texas Civil Practice and Remedies Code. You have provided to this office additional arguments for withholding the information under section 154.073. You state that the settlement agreement, which you have submitted to this office for review, was executed as a result of the mediation conference.

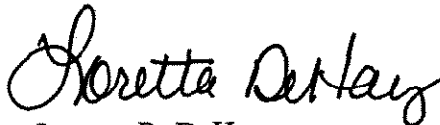
Section 154.073 of the Texas Civil Practice and Remedies Code provides that:

- (a) Any record made at an alternative dispute resolution procedure is confidential, and the participants or the third party facilitating the procedure may not be required to testify in any proceedings relating to or arising out of the matter in dispute or be subject to process requiring disclosure of confidential information or data relating to or arising out of the matter in dispute.

In this instance, you explain that the requested settlement agreement arose out of an alternative dispute resolution procedure. Therefore, we conclude that the agreement is confidential under section 552.101 of the Government Code in conjunction with section 154.073 of the Texas Civil Practice and Remedies Code. Open Records Letter No. 97-2600 (1997) is overruled to the extent it conflicts with this opinion.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Deputy Chief
Open Records Division

LRD/rho

Ref.: ID# 113131

Enclosures: Submitted documents

cc: Ms. Kathleen Ballanfant
Publisher
News Publications, Inc.
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Bellaire, Texas 77401
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